

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

UNITED STATES OF AMERICA

VS.

AUDY KISER

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§

DOCKET NO. 5:05CR01032-002

§

ORDER CONTINUING AND MODIFYING SUPERVISED RELEASE TERM

On April 16, 2007, **AUDY KISER**, represented by counsel, Irma Sanjines, appeared before the Court for a hearing on charges that he violated the conditions of his term of supervised release as imposed by the Honorable Micaela Alvarez on September 29, 2005, wherein he was sentenced to EIGHT (8) MONTHS custody of the Bureau of Prisons, followed by a THREE (3) YEAR term of supervised release. As special conditions of supervised release, the Court ordered that the defendant be required to perform 75 hours of community service within the first year of supervised release, that the defendant enroll and participate in an educational program designed to receive a high school diploma or its equivalency, and that the defendant participate in drug treatment.

After hearing the evidence presented as to the allegations, as well as the defendant's pleas of true to Violations Nos. 1, 2, and 3, the Court found that the probationer violated:

No. 1 Law Violation - Possession and Use of a Controlled Substance: in that on or about May 25, 2006, Audy Kiser unlawfully possessed and used marijuana, a controlled substance not prescribed by a physician, as evidenced by urine specimen provided by him to South Texas Substance Abuse Recovery Services Inc. counselor George Marshall, said specimen testing positive for marijuana through laboratory analysis. The above is in violation of 21 U.S.C. Section 844.

No. 2 Failure to Abide by Drug Treatment Program Rules and Regulations:

(A) Audy Kiser was participating in a drug treatment program with South Texas Substance Abuse Recovery Services Inc., and was in Phase I requiring 2 counseling sessions and 3 urine specimens per month. Audy Kiser violated the rules and regulations of South Texas Substance Abuse Recovery Services Inc., by failing to report as directed for 2 counseling sessions for the months of March 2006, April 2006, May 2006, June 2006, July 2006 and August 2006.

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(B) Audy Kiser was participating in a drug treatment program with South Texas Substance Abuse Recovery Services Inc., and was in Phase I requiring 2 counseling sessions and 3 urine specimens per month. Audy Kiser violated the rules and regulations of South Texas Substance Abuse Recovery Services Inc., by failing to submit 3 urine specimens for the months of July 2006 and August 2006.

(C) On or about May 25, 2006, Audy Kiser, while participating in a drug treatment program at South Texas Substance Abuse Recovery Services Inc., violated the rules and regulations of the South Texas Substance Abuse Recovery Services Inc. program rules and regulations which prohibit the use of controlled substances not prescribed by a physician, such use evidenced by a urine specimen submitted by him on the above-mentioned date, said specimen testing positive for marijuana through laboratory analysis.

No. 3 Failure to Report and Failure to Submit a Truthful Monthly Supervision Report:


During the month of August 2006, through the submission of this petition, Audy Kiser failed to report and failed to submit a Monthly Supervision Report as directed by U.S. Probation Officer. Audy Kiser last reported to the U.S. Probation Office on July 14, 2006.

In spite of the above findings, the Court elected not to revoke the defendant's supervised release term and instead continued the defendant on supervised release with the following additional special conditions:

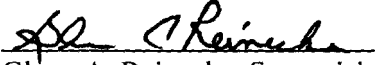
COMMUNITY CONFINEMENT: The defendant is required to participate in a community treatment center, halfway house or similar facility for a period of up to SIX (6) MONTHS.

NIGHTTIME RESTRICTION: Throughout the period of probation, the defendant shall be restricted to his home from 12 p.m. to 6 a.m. each night, unless other specific arrangements are made with the probation officer.

DONE at Corpus Christi, Texas, this 17th day of April, 2007.


JANIS GRAHAM JACK
UNITED STATES DISTRICT JUDGE

Approved as to Form:


Glenn A. Reinecke, Supervising
U.S. Probation Officer